

REMARKS

Prior to entry of this Amendment, claims 1-20 are pending. By the Amendment herewith, the recitation of “transmission parameter information” in the claims is replaced with “transmission parameter signaling data.” This clarification is supported throughout the specification at, for example, page 9, line 21.

Claim 1 also is amended to include the features of original claim 5. Claims 3-5 are cancelled. Claim 7 is amended to include the features of claim 12. Claims 10-12 are cancelled.

Claim 13 is amended to include the features of claim 15. The claim also is amended to delete the “creating service information” feature. A further amendment is made to claim 13 to delete reference to the “service information.”

Claims 14-16 are cancelled. Claim 17 is amended similarly to claim 13. Claims 18 is cancelled.

Claims 19-24 are cancelled.

Claim 25 is amended to recite the features of claim 19, and also to include the features of claim 22.

Additionally, the claims are amended to “configured to” wording. Preambles of the claims also are modified to a shortened form. These clarifications are not made for reasons related to patentability and the full range of equivalents should remain in tact.

Accordingly, upon entry of this Amendment, claims 1-2, 6-9, 13, 17 and 25 are pending. Of those claims, claims 1, 7, 13, 17 and 25 are independent.

Referring now to the outstanding non-final Office Action, claims 19-23 are rejected under 35

USC Section 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, claims 19-23 are herein cancelled without prejudice. Accordingly, this rejection should be reconsidered and withdrawn.

Lastly, claims 1-25 are rejected under 35 USC Section 102(e) as being anticipated by Vare et al. (US 2006/0013153, hereinafter "Vare").

The foregoing rejection is respectfully disagreed with, and is traversed below.

Applicant's independent claims concern, in part, a transmission parameter signaling data indicating whether a signal has a forward error correction framing structure. In particular, independent claim 1 recites, in part, "determining from the decoded transmission parameter signaling data whether the signal has a forward error correction framing structure." Independent claim 7 recites, in part, "... configured to determine from the decoded transmission parameter signaling data whether the signal has a forward error correction framing structure..." Independent claim 13 recites, in part, "creating transmission parameter signaling data including ... and an indication of whether the signal has a forward error correction framing structure." Similarly, independent claim 17 recites, in part, "create transmission parameter signaling data including ... and an indication of whether the signal has a forward error correction framing structure." Lastly, independent claim 25 recites, in part, "transmission parameter signal data ... dependent upon whether a signal to which the data signal relates carries time-sliced elementary streams having a forward error correction framing structure." It is respectfully noted that at least the afore-recited features are not disclosed in (nor suggested by) Vare. More particularly, the section of Vare, which the Examiner has cited as being relevant to former claim 5 is Table 2. This section only discloses that the bursts may be of different durations, but makes no reference to a forward error correction framing structure.

Furthermore, forward error correction is not mentioned or suggested in the remainder of the document. As such, Vare cannot disclose or suggest Applicant's independent claims. Nor is there any reason to modify the teachings of Vare in an attempt to arrive at Applicant's claimed subject matter. Thus, the independent claims are patentable over Vare.

Similarly, all dependent claims are thus patentable over Vare at least in view of their dependency from an allowable independent claim.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Thus, the Examiner is respectfully requested to reconsider and withdraw the rejections set forth in the outstanding Office Action. Favorable consideration that results in a Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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Sept. 1, 2009
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